

U.S. ENVIRONMENTAL PROTECTION AGENCY

DETERMINATION AND FINDINGS

**ESTABLISHMENT OF ALTERNATE SOURCES OF SERVICE**

REQUEST FOR PROPOSAL (RFP) PR-HQ-04-10386

Office of Compliance Technical Support Services

FINDINGS

The United States Environmental Protection Agency anticipates awarding multiple, cost-plus-fixed-fee, work assignment contracts to provide mission support services for the Office of Enforcement and Compliance Assurance, Office of Compliance. This procurement will obtain technical support in the areas of training; data management; information systems programming and reporting support; and compliance monitoring and inspections. The EPA intends to utilize these contracts to acquire technical assistance in developing strategic planning, collecting and integrating compliance data, and developing compliance monitoring programs to support inspections and self-reporting. In addition, these contracts will provide compliance assistance to the regulated community, improve regulation quality, and work with Regions, States, communities and municipalities to provide supporting enforcement activities under CERCLA, RCRA, or other statutes.

The purpose of instituting multiple awards is a method to mitigate potential organizational conflicts of interest and to ensure the continuous availability of a reliable source of services. It is the intent of the contracting office to award multiple contracts as a result of this solicitation, yet exclude any one offeror from receiving multiple awards. The rationale for multiple awards is set forth below:

-The principal consideration for placing multiple awards is to avoid, mitigate or otherwise neutralize actual conflict of interest (COI), or the potential for organizational conflict of interest. Work that poses a potential COI for one contractor can be shifted to another contractor. This flexibility will alleviate any vulnerabilities in executing the Agency's mission that might arise due to COI issues. It will also ensure a continuous availability of a reliable source for services.

-The awards will be based on contractors' proposal adequately demonstrating their capability to perform all aspects of the Statement of Work (SOW). This overall capability to perform is crucial because the SOW task area where the potential COI may occur cannot be predicted in advance.

-Current and past performance will be assessed when deciding which contractor will be utilized for a particular task/project. Since past and current performance will be considered in deciding task assignments, the existence of previously placed contracts will have the benefit of a potentially high quality, competitive performance.

- A healthy competitive environment will also have the possibility of encouraging alternate sources. Alternate sources will allow the Agency to maintain an industrial base of qualified prime contractors and subcontractors who will be available to perform support services in enforcement-related requirements. If contractors are excluded from receiving more than one award, more subcontracting opportunities will result.